

PATENT

UTILITY PATENT APPLICATION TRANSMITTAL

(only for new non-provisional applications under 37 CFR §1.53(b))



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10/767790



Commissioner for Patents  
Box Patent Application  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application  
under 37 CFR 1.53(b) of:

AVENTIS DOCKET NO.: MO1720 US CNT 4  
INVENTORS: Mitsuo Nakamura, et al  
TITLE: PROCESS AND DIASTEREOMERIC SALTS USEFUL FOR  
THEOPTICAL RESOLUTION OF RACEMIC ALPHA-[4-(1,1-  
DIMETHYLETHYL)PHENYL]-4-(HYDROXYDIPHENYLMETHYL)-1-  
PIPERIDINESBUTANOL AND DERIVATIVE COMPOUNDS

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
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Commissioner for Patents, Washington, D.C. 20231,  
on

1-29-2004  
Date of Deposit  
Genesis Walker  
Signature

EL9648322385 US  
Express Mail No.

APPLICATION ELEMENTS

1. ☒ \*Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2. ☒ Specification  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

Total Pages 75

3. ☐ Drawing(s) (35 U.S.C. 113)

Total Sheets

4. Oath or Declaration

Total Pages 2

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR § 1.63(d))  
(for continuation/divisional with Box 16 completed)

i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior  
application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

5. ☐ Microfiche Computer Program (Appendix)

6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

a. ☐ Computer Readable Copy  
b. ☐ Paper Copy (identical to computer copy)  
c. ☐ Statement verifying identity of above copies

☐ If a **CONTINUING Application**, check appropriate box, and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part

of prior application no: 10/192,444, filed July 10, 2002, Examiner C. Chang, Group/Art Unit 1625. (The cross reference has been/will be inserted on page one of the specification).

☐ This application claims the benefit of U.S. Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_. (The cross reference has been/will be inserted on page one of the specification).

☒ **Incorporation By Reference** (useable if filing a continuation/divisional and a copy of the declaration from the prior application is enclosed.)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

#### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ \*Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired  
(PTO/SB/09-12)
14. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
15. ☒ Other: E-Pave; Copy of Extension of Time MO1720USCNT3

#### CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

005487

(Insert Customer No. or Attach bar code label here)



Barbara E. Kurys, Reg No. 34,650  
Attorney/Agent for Applicant

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Aventis Docket No. MO 1720 US CNT 4

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**2,004.00****Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | NOT YET ASSIGNED       |
| Filing Date          | FILED HEREWITH         |
| First Named Inventor | MITSUO NAKAMUAR, ET AL |
| Examiner Name        | C. CHANG               |
| Group / Art Unit     | 1625                   |
| Attorney Docket No.  | MO 1720 US CNT 4       |

**METHOD OF PAYMENT** (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit AccountDeposit Account Number  
Deposit Account Name

18-1982

Aventis Pharmaceuticals Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 770      | 2001         | 375      | Utility filing fee     | 770      |
| 1002         | 340      | 2002         | 165      | Design filing Fee      |          |
| 1003         | 530      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 770      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

**SUBTOTAL (1)** (\$)**770****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    | Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|--------------|----------------|----------|
| Total Claims       | 36           | -20**= 16    | x 18           | = 288    |
| Independent Claims | 14           | - 3**= 11    | x 86           | = 946    |
| Multiple Dependent |              |              |                |          |

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |
| 1201         | 86       | 2201         | 42       | Independent claims in excess of 3                         |
| 1203         | 290      | 2203         | 140      | Multiple dependent claim, if not paid                     |
| 1204         | 86       | 2204         | 42       | **Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$)**1234.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

## Large Entity

## Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English Specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 205      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 465      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 725      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 985      | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 160      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 160      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 140      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 650      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 650      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 235      | Design issue fee   |          |
| 1503     | 640      | 2503     | 315      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Petitions related to provisional applications                              |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 770      | 2810     | 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 770      | 2801     | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY****Complete (if applicable)**

|                   |                         |                                   |         |           |                |
|-------------------|-------------------------|-----------------------------------|---------|-----------|----------------|
| Name (Print/Type) | Barbara E. Kurys        | Registration No. (Attorney/Agent) | 34,650  | Telephone | (908) 231-2965 |
| Signature         | <i>Barbara E. Kurys</i> | Date                              | 1/29/04 |           |                |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Aventis Pharmaceuticals Inc. template